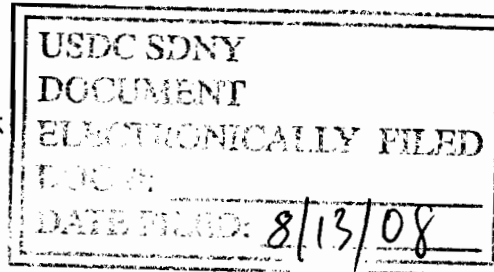


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Via Fax: 212 805-7942
Hon. Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



*So ordered
8-13-08
Alvin K. Hellerstein*

August 12, 2008

Re: Jose Medina v. The City of New York, et al.
07CV6215

Honorable Alvin K. Hellerstein:

This is a joint letter initiated by plaintiff's counsel. Recently, defense counsel advised plaintiff's counsel that non party Officer Stacy Hernandez was referred to in a New York City Police Department "Unusual report" which was exchanged in discovery in this action and identified as Bates # 20. Specifically, defense counsel informed plaintiff's counsel that one defendant named in this action, Lewis Hernandez (S/H/A as LEWIS HAMANDEZ) was not on duty at the time of the within incident and is not referred to in the Unusual report. However, Stacy Hernandez was referred to in the Unusual report.

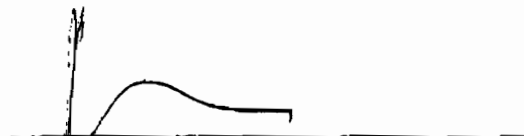
Therefore, based upon this representation and the fact that the Unusual Report plaintiff's counsel has received in discovery to determine the named defendants in this matter does not list the officers' first names and the tax ID numbers have been redacted, plaintiff's counsel has accepted defense counsel's representation that the report is referring to officer Stacey Hernandez.

Based upon that representation, the parties executed a stipulation dismissing this action as against LEWIS HERNANDEZ and adding STACEY HERNANDEZ to the caption of this action. Therefore, the plaintiff requests that the plaintiff's time to file a Second Amended Complaint in this action be extended until September 9, 2008 to allow plaintiff's counsel to file and serve the new officer.

Thank you for your consideration.

Respectfully Submitted:

LAW OFFICE OF DAVID A. ZELMAN

A handwritten signature in dark ink, appearing to read 'David A. Zelman', is written over a horizontal line.

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